UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

111937

ORIGINAL (2)

In the Matter of: AT & T Technologies, Inc. Respondent Proceeding Under Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. Section 9606(a))	)	Docket No. III-85-8-DC

ORDER

The following Order agreed to by the United States Environmental Protection Agency (EPA) and AT & T Technologies, Inc. ("Respondent") concerning the Heleva Landfill in North Whitehall Township, Pennsylvania, is issued pursuant to § 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. 9606(a), by authority delegated to the undersigned by the Administrator of the United States Environmental Protection Agency (EPA). Notice of the issuance of this Order has heretofore been given to the State of Pennsylvania.

EPA has determined that there is an imminent and substantial endangerment to the public health and welfare and the environment due to a release of hazardous substances as defined in § 101(14) of CERCLA 42 U.S.C. § 9601(14), from the following location (the "facility"):

> land owned by Stephen D. and Lois M. Heleva in the Township of North Whitehall, Lehigh, Pennsylvania and bounded by Legislative Route 39049 on the south and the east, Township Route 687 on the north, and Legislative Route 39038 on the west, the center of the site being 40° 40' 15" north in latitude and 75° 33' 40" west in longitude.

This order directs Respondent to undertake action to protect the public and the environment from this endangerment.

FINDINGS AND CONCLUSIONS

1. Respondent is a corporation organized and existing under the laws of the Commonwealth of New York and is qualified to do business in Pennsylvania as of October 10, 1966. Respondent's registered address in Pennsylvania is:

c/o C. T. Corporation System
123 South Broad Street
Philadelphia, PA 19109

2. Respondent is a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

3. Respondent, formerly known as Western Electric Company, Inc., arranged for disposal of 344,000 gallons of "mixed solvents" including trichloroethylene (TCE), a hazardous substance, from its Reading, Pennsylvania, plant at the Facility through Continental Sanitary Service from the period of December 21, 1966 to January 26, 1969, as determined by records produced by Respondent. The Respondent's Allentown, Pennsylvania, plant using the same transporter, also arranged for disposal of waste containing TCE at the Facility in 1968 and 1969, as determined by a report of the Pennsylvania Bureau of Housing and Environmental Control.

4. The Facility is a National Priority List (NPL) site consisting of approximately 20 acres. The Facility was an open-pit iron ore mining operation which began accepting refuse and other solid waste as early as 1966. During the years of landfill operation, 250 to 350 tons per day of general, mixed refuse were sent to the Facility. Industrial wastes were sent to the Facility as early as 1966.

5. Sampling results recorded in the Draft Remedial Investigation Report and Feasability Study of Alternatives, Table 5-9, published by NUS Corporation in January 1985, show that trans 1,2-dichloroethylene (DCE) and TCE are present in the ground water at the Facility in concentrations of 7000 and 15,000 parts per billion (ppb), respectively. (Sampling took place in September 1984.)

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These substances are "hazardous substances" as defined in § 101(14) of CERCLA, 42 U.S.C. § 9601(14), subject to the terms and provisions of CERCLA.

6. The sampling shows that hazardous substances have come to be located at the Facility. The Facility is, therefore, a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

7. Based on field data set forth in the Draft Remedial Investigation Report, EPA has determined that the hazardous substances described above were treated or disposed of at the Facility in such manner that they are being released and discharged from the Facility into the ground water and other parts of the environment.

8. Sampling in September and December 1984 shows that the "Heleva" family well, which is approximately 500 feet east of the Facility, contained water with concentrations of up to 180 ppb of TCE and up to 20 ppb of DCE, and the Cincilla family well, about 600 feet east of the Facility, showed TCE concentrations of up to 240 ppb and DCE concentrations of up to 20 ppb in the drinking water.

9. The Heleva and Cincilla families depend on their wells as a sole source of potable water.

10. TCE and DCE are known animal and suspected human carcinogens. Skin rashes, liver dysfunction and neurologic impairment are other toxic symptoms caused by these degreasing agents. The residential wells contain 100 times the recommended maximum contamination level for each of the two contaminants, TCE and DCE.

11. The EPA has determined that the release into the environment of the above referenced hazardous substances from the Facility may present an imminent and substantial endangerment to public health and welfare and the environment.

12. In order to protect human health and welfare and the environment, it is necessary that action be taken to contain and terminate the release of hazardous substances from the Facility into the environment.

DETERMINATION

13. Based on the above Findings of Fact, the Regional Administrator, Region III, has determined that there may be an imminent and substantial endangerment to the public health or welfare or the environment due to the release and/or threatened release into the environment of the hazardous substances TCE and DCE from the Facility which was used by Respondent for disposal of waste solvents. The Regional Administrator has determined that the actions ordered below are necessary to protect the public health and welfare and the environment.

14. Respondent does not admit any of the allegations contained herein and Respondent's actions taken pursuant to this Consent Order are not admissions of liability and are not a fine, monetary sanction, or penalty. Respondent denies any and all liability and further denies any violation of Federal, state, or local law.

ORDER

15. Based on the foregoing Findings and Determinations, and in accordance with Section 106(a) of CERCLA, Respondent is hereby ordered, and consents to this Order, to immediately take the following measures to protect the public health, welfare and the environment.

16. The parties agree that within 72 hours of the effective date of this Order, Respondent shall commence supplying an alternate water supply that will provide drinking water to the Heleva (Arthur) and Cincilla residences in Coplay, Pennsylvania at the rate of 50 gallons of water per household per week. That rate shall be adjusted upon subsequent EPA direction or approval.

17. The parties also agree that within one calendar week of the effective date of this Order, Respondent shall submit to EPA a list of all residences within the areas described in Attachment A that are using wells to supply drinking water.

18. The parties further agree that within one calendar week of the effective date of this Order, Respondent will advise EPA, in writing, of a laboratory, selected by Respondent, that will conduct analyses of samples required by this order within the time limitations required by this Order.

19. Respondent also agrees that all samples required in this Order shall be analyzed for priority pollutant volatile organics within seven calendar days from the time sampled. All samples shall be stored at 4° Centigrade. Within four calendar weeks of the effective date of this Order, Respondent shall submit to EPA results of all samples, including all material associated with EPA method #624 and all quality assurance (QA) and quality control (QC) results for each sample (in accordance with EPA protocols set forth in Attachment B). Upon EPA review of the sampling data, if EPA determines that the QA or QC is not within the limitations specified in Attachment B, or, if EPA determines that its analytical results differ with Respondent's by an order of magnitude or greater, then Respondent shall collect additional samples and analyze as requested by EPA using the methods, protocol, and time requirements set forth in this Order.

20. The parties also agree that Respondent shall sample all wells used by the residences that were listed by Respondent pursuant to paragraph 17 of this Order. Each sample shall be taken from running water 60 minutes after the tap is turned on. Each sample must be taken prior to treatment of the water. However, where the water has been treated, the Respondent shall record the nature of the treatment on the sample collection record. All samples

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shall be collected in 40 milliliter bottles and shall have no head space. Further, if the residence owner requests, Respondent will provide the owner with a split sample and a blank. In addition, when Respondent is prepared to sample, it shall notify EPA so that EPA can send its representative to collect samples as well. At the time of sample collection the Respondent shall provide, to an EPA representative present, a split of the blank.

21. Based on EPA's and the Centers for Disease Control's review of sample data submitted in paragraph #19, above, Respondent shall supply alternate water supplies to additional homes within 72 hours on direction from EPA to do so.

22. The parties further agree that all alternate water supplies established under the above timetable of response will continue until EPA certifies that the alternate water supplies are no longer needed.

23. The parties agree that if a resident listed pursuant to paragraph 17 refuses the alternate water supply, Respondent shall orally notify the EPA of the refusal immediately. The Respondent shall also confirm that notice to the EPA in writing. If EPA verifies the resident's refusal to accept the alternate water supply, Respondent will not have to provide the supply to that resident.

24. The parties agree that if the owner of a residence that is listed pursuant to paragraph 17 refuses access to Respondent for the purpose of sampling the drinking water well, Respondent shall immediately notify EPA of the matter and confirm that notice in writing to EPA. EPA will then attempt to obtain access to the site.

25. The parties further agree that Respondent shall follow EPA guidance for groundwater sampling that is set forth in Attachment C.

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ORDERS TO OTHER PARTIES

26. EPA is evaluating independent of this Consent Agreement and Order whether to issue CERCLA 106 Orders to Heleva Landfill, Inc. and Stephen and Lois Heleva concerning the Heleva Landfill.

ENFORCEMENT AND PENALTIES FOR NON-COMPLIANCE

27. Respondent is advised that willful violation or failure or refusal to comply with this Order, or any portion hereof, may subject the Respondent to a civil penalty of not more than $5,000 for each day in which such violation occurs or such failure to comply continues in accordance with Section 106(b) of CERCLA, 42 U.S.C. § 9606(b). Failure to comply with the Order, or any portion thereof, without sufficient cause, may also subject Respondent to liability for punitive damages in an amount of up to three times the amount of any costs incurred by the Fund, as defined in Section 101(11) of CERCLA, 42 U.S.C. § 9601(14), as a result of such failure to take proper action, in accordance with Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3).

28. Notwithstanding any other provisions set forth herein, EPA reserves the right to take appropriate enforcement action, including the right to seek monetary penalties, for any violation of law or this Order, including, but not limited to, the issuance of additional Orders under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), the taking of necessary response actions under Section 104(a) of CERCLA, 42 U.S.C. § 9604(a); and/or the bringing of a civil action under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a) or Section 107 of CERCLA, 42 U.S.C. § 9607.

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SUBMITTAL OF REPORTS AND INFORMATION

29. All reports submitted to EPA under the terms of this Order shall be sent by certified mail, return receipt requested, to the following address:

Diane B. Schott (3HW14)
US Environmental Protection Agency
CERCLA Removal Enforcement Section
841 Chestnut Building, 6th Floor
Philadelphia, PA 19107

Dated, entered and effective as of this 27th day of Feb 1985.

Stanley L. Laskowski
Acting Regional Administrator

S. K. Smith
AT & T Technologies, Inc. Executive

By: Stan Smith, President
AT&T Resource Management Corporation

Attachment A

Area of Concern
(see attached map)

All homes along or adjacent to Main Street, Ironton, from the intersection of Hill Street and Main Street, north of Todd Lake;

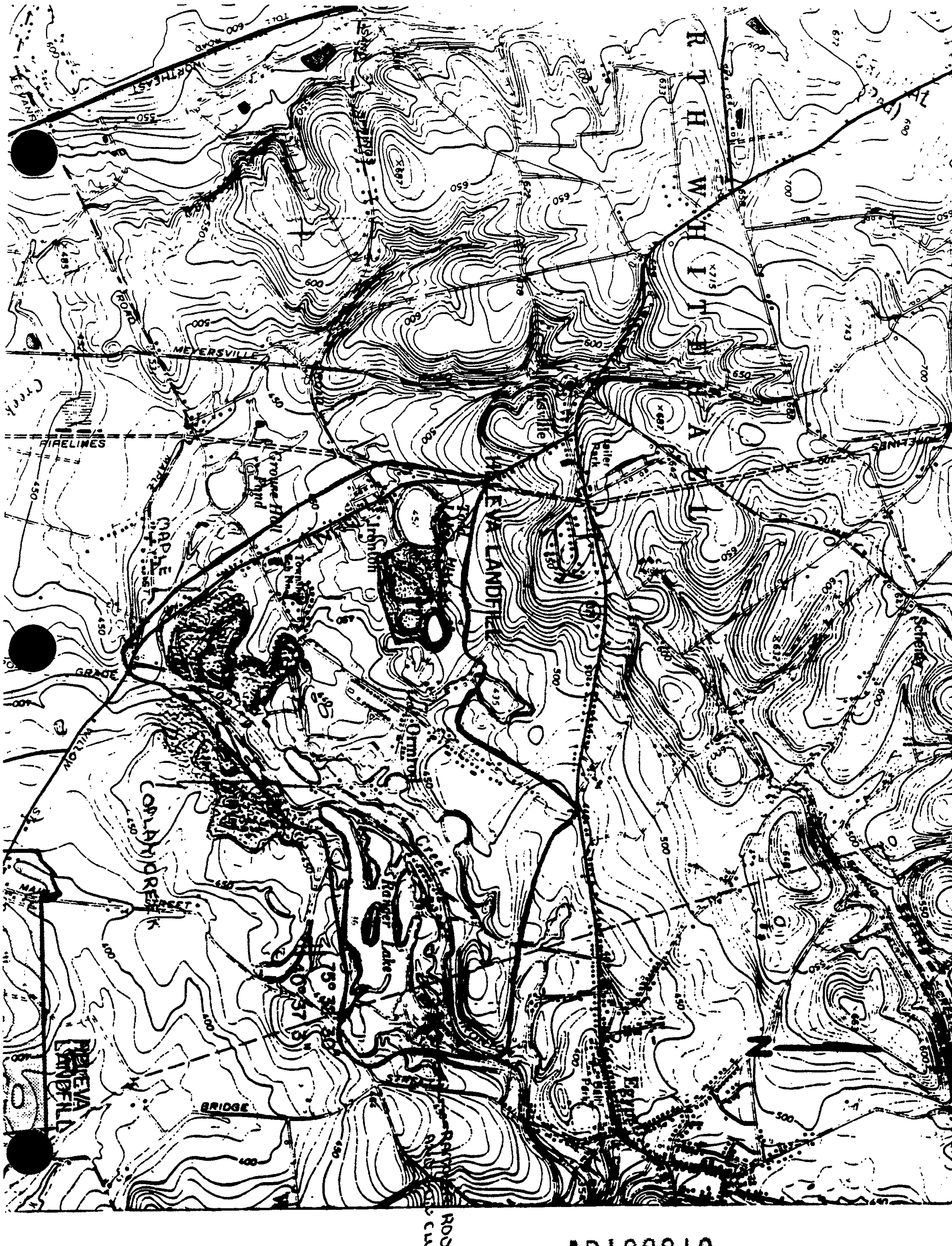
To the three way conjunction of Main Street (Willow Street), Maple Street and the road that runs parrallel to Coplay Creek;

All homes along the road that parrallels Coplay Creek, from the intersection of Willow Street and the road that parallels Coplay Creek to the 400 foot contour line on same road due north of Ranger Lake;

All facilities of Ranger Rod and Gun Club;

All homes on Main Street, Ormrod, from 1/2 mile north of the Hill Street intersection, to the intersection of Main Street near Ironton Township School (including development on Buchanan Street and West Ormrod Village);

All homes on Hill Street including all homes on the private drive extending N/NW of Hill Street.


NORTHEAST
ROAD
MEYERSVILLE
PIPELINES
GRACE
WILLOW
BRIDGE
Creek
550
600
650
500
450
400

AR100019

Attachment B

Analysis and Sampling Protocal Summary

The following are the major quality assurance steps to be carried out during the analysis of purgeable organics in water. Most of these steps are outlined on a document entitled "Analysis and Sampling Protocal."

1. Analysis should be performed within seven days of sample collection.

2. Samples should be stored at 4°C in a refrigerator where highly contaminated or pure solvents are not kept. A reagent blank and field blanks should be stored with the samples. A reagent water spike should be prepared (@ 200 ppb TCE) on receipt of the samples and processed in the same manner as the samples. This spiked sample should be analyzed at the end of a run. (This requirement is not given in Exhibit E of the "Analysis and Sampling Protocal.")

3. Surrogate spikes with each sample as mentioned in exhibit D of the "Analysis and Sampling Protocal." Recoveries should be within the range given in exhibit E of the "Analysis and Sampling Protocal."

4. A matrix spike should be added to every tenth sample. Recoveries should be within the range given in Exhibit E of the "Analysis and Sampling Protocal."

5. A laboratory water blank should be run after the high concentrated sample. If the positive value is obtained, the water blank should be run again until the residual amount is cleared out.

6. One "field blank" should be included with each batch of samples shipped. A field blank is organic/inorganic free water stored in VOA vials.

"Attachment C"

Volatile Organic Water Sampling Method for Residential Wells.

(1) Water sample should be taken before any filter or softener in the water line.

(2) Samples should be collected after tap has been running for 60 minutes.

(3) Samples should be collected in a 40 ml vial having teflon septum and screw cap. At the time of sampling, the tap should be open to minimize aeration and let water slide down inside wall of the vial. Each vial should be filled to the point of just overflowing. Then the cap assembly including the teflon septum is affixed causing the septum to bulge slightly indicating an air-tight seal. The bottle should be inverted to verify that no air bubbles are in the bottles. The presence of air bubbles indicates a potential for losing volatile compounds that are in solution, and requires that the bottle be refilled and capped.

(4) Duplicate or triplicate samples are usually collected at each sampling location, to provide the analyst an opportunity to run duplicate analyses for quality control purposes and provide a back-up sample should a lab accident (breakage) occur.

(5) Field blanks should be carried, by the sampling team in the same vehicle and coolers that are used for the samples being collected. Field blanks are 40 ml volatile organics sample bottles filled with organic-free water (supplied by the lab) prior to the departure from the office. These samples are analyed along with the samples collected during the groundwater investigation and are an important quality assurance procedure. These samples allow the laboratory to verify the cleanliness of the glassware being used and determine if the samples were exposed to an environment that may provide some contamination. Each cooler used for shipping samples should have a field blank. At least one field blank per 20 samples should be carried for analysis.

(6) 40 ml vial used for sampling should be organic free and ideally should be baked for atleast 24 hours at 150°F.

(7) All volatile organics samples are required to be cooled to 4°C (cooler w/ice) after their collection. If the sample contains chlorine, as in a drinking water supply (public or private), it must be dechlorinated at the time of collection. Generally several crystals of sodium thiosulfate in the bottom of the sample container are adequate.

(8) Proper chain-of-custody should be filled to document custody during sampling, shipping and analysis.

Attachment A

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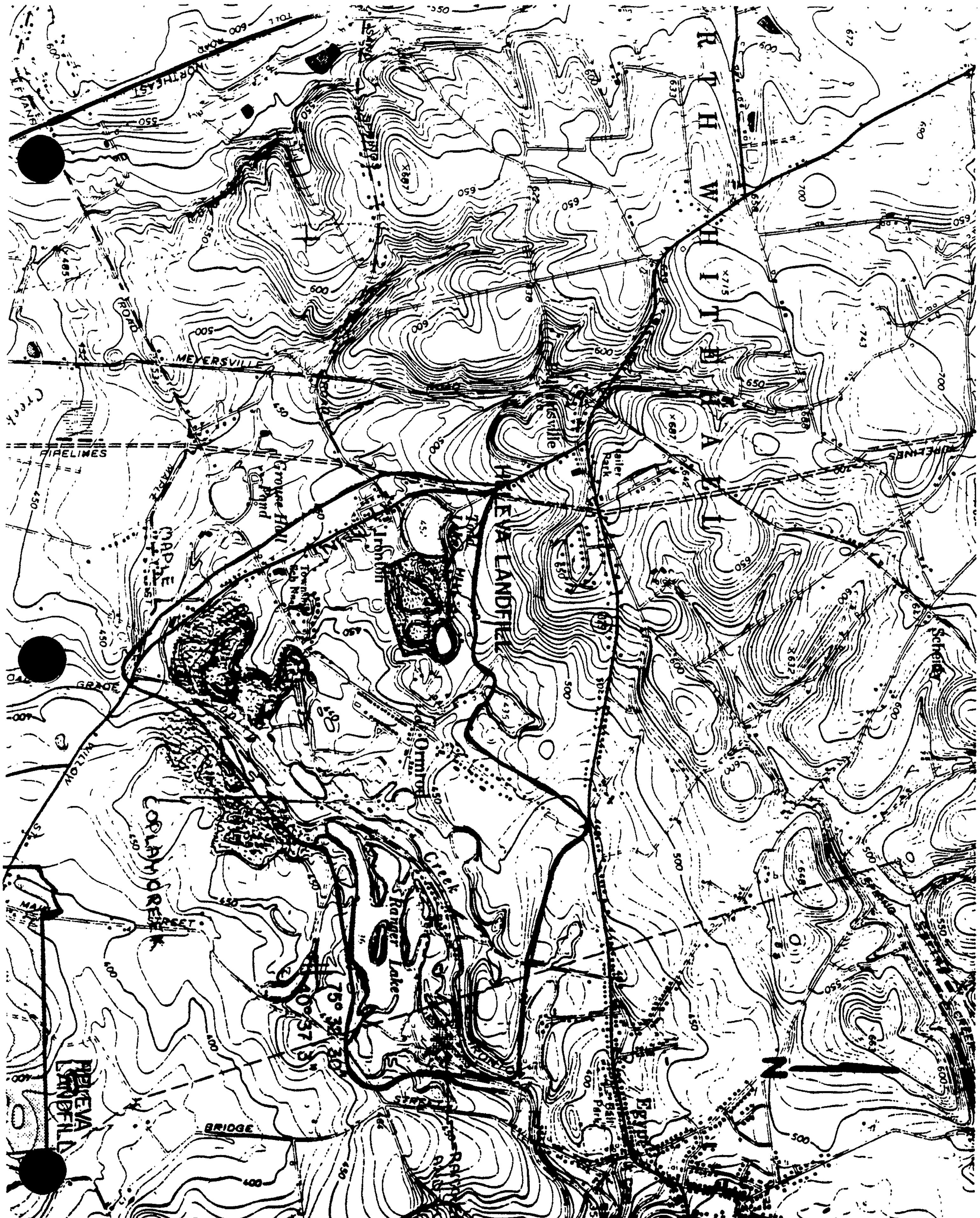
NORTHEAST
TOLL
ROAD
MEYERSVILLE
PIPELINES
HELEVA LANDFILL
Ironton
Ormrod
Creek
Ranger
Lake
COPLAY CREEK
GRACE
WILLOW
MAIN
STREET
BRIDGE
Egypt

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